

REMARKS

The Application has been carefully reviewed in light of the Office Action dated November 3, 2004 (Paper No. 9). Claims 1 to 5, 7 to 16, 18 to 25, 27 to 36, 38 to 54 are in the application, of which Claims 1, 7, 8, 18, 21, 27, 28, 38, 41 and 46 are the independent claims. Claims 1, 7, 8, 21, 27, 28 and 41 are being amended, and Claims 6 and 26 are being cancelled without prejudice or disclaimer of the subject matter. Reconsideration and further examination are respectfully requested.

Applicant gratefully acknowledges the indication in the Office Action that Claims 7, 8, 27, 28 and 49 to 52 are allowable if rewritten. Claims 7, 8, 27 and 28 are being rewritten in independent form and are believed to be in condition for allowance. In rewriting these claims, Claims 6 and 26 are being cancelled.

In addition, Applicant gratefully acknowledges the indication in the Office Action that Claims 11 to 16, 18, 31 to 36 and 46 are allowed. In this regard, Applicant believes that Claim 47 was inadvertently identified as a rejected claim in the listing provided in the Office Action Summary, at least based on the fact that Claim 47 depends from allowed Claim 46. Applicant respectfully requests clarification as to the status of Claim 47 in the next Office communication.

By the Office Action, Claims 1 to 6, 9, 10, 17, 19 to 26, 29, 30, 37, 39, 40 to 45, 48, 53 and 54 are rejected under 35 U.S.C. § 103(a). More particularly, Claims 1 to 4, 10, 21 to 24, 30, 41 to 44 are rejected over U.S. Patent No. 6,141,120 (Falk) and U.S. Patent No. 5,200,816 (Rose), Claims 5, 25 and 45 are rejected over Falk, Rose and U.S. Patent No. 6,181,354 (Swan), Claims 6, 9, 26, 29, 53 and 54 are rejected over Falk, Rose

and U.S. Patent No. 5,227,872 (Yamaguchi), Claims 17, 19, 20, 37, 39 and 40 are rejected over Falk, Rose and U.S. Patent 5,781,206 (Edge), and Claim 48 is rejected over Falk, Rose and U.S. Patent No. 5,621,873 (Tanaka). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention concerns a updating a store which includes color patch information. More particularly, according to the present invention, an entry containing a color patch definition in the store is updated to include spatial information and color measurement information.

By virtue of this arrangement, it is possible to use the stored information for multiple hardware/software platforms to characterize a color device. In addition, the stored information can be examined to determine whether additional updating is desired based on based on missing information, for example.

Turning to the specific language of the claims, Claim 1 defines a method is defined of integrating characterization information associated with a target image for use with a color reproduction device. According to the method, a measurement store is obtained, which has an entry corresponding to a color patch of a target image, the entry comprises a color value of the color patch, which is used by the color reproduction device to create the target image. The entry in the measure store is updated to include spatial information of the color patch in the target image, the spatial information relates to a position of the color patch. The measure of the color patch in the target image is obtained by measuring, using a color measuring device, a color of the target image based on the spatial information. The entry in the measurement store is updated to include the

measurement.

The applied art, namely Falk and Rose, is not seen to disclose each and every feature of the claimed method, particularly as regards updating a measurement store, which has an entry comprising a color value of a color patch used by a color reproduction device to create the target image, the entry is updated to include spatial information which relates to a position of the color patch, and is further updated to include a measurement of a color of the target image taken by a color measuring device based on the spatial information.

Falk is seen to describe printer calibration, whereby a calibration image is printed by the printer, and the printed image is scanned by a scanner to generate a calibrated printer profile. More particularly, as is described commencing at col. 5, line 8 of Falk and shown in Figure 5, calibration data 204 consists of CMYK colorant data is printed to produce calibration image 500. The calibration image 500 has registration marks 502. However, as is apparently conceded at page 2 of the Office Action, Falk's description of printing a calibration image from calibration data does not show updating a measurement store. Accordingly, Falk cannot be seen to describe updating a memory store to include spatial information which relates to a position of the color patch, and/or to include a measurement of a color of a target image taken by a color measuring device based on the spatial information.

In this regard, as it is understood, the Office Action, at pages 2 and 3, contends that it would have been obvious to read the updating feature of the present invention into Falk, since Falk does not expressly preclude such an update. In response, the

Examiner is respectfully referred to MPEP § 2141 et seq. More particularly, as set forth in MPEP § 2142, in order to establish a prima facie case of obviousness, it is necessary to provide evidence: 1) of a suggestion or motivation, other than the Applicant's own disclosure, to modify the teachings of the prior art, 2) of a reasonable expectation of success, and 3) that the prior art teaches or suggests all of the claim limitations. Thus, a conclusion that a reference does not explicitly exclude a claim limitation is not sufficient to establish a prima facie case of obviousness, at least with respect to the requirement for a showing that the prior art teaches or suggests all of the claim limitations.

In addition, as is stated in the MPEP, the inquiry under 35 U.S.C. § 103 is not whether the differences between the prior art and the present invention would have been obvious, but whether the claimed invention as a whole would have been obvious. (See MPEP § 2141.02). Further and with reference to MPEP § 2142, a legal conclusion under 35 U.S.C. § 103 must be reached based on the facts gleaned from the prior art, and not based on impermissible hindsight.

Rose is not seen to remedy the deficiencies of Falk. More particularly, the cited portion of Rose i.e., col. 26, lines 25 to 34, is merely seen to describe defining colored locations in images 218 and 220. However, defining locations within a printed image is not seen to disclose a measurement store having an entry storing a color value of the color patch, the entry being updated to include spatial and color measurement information.

The Office Action, at page 3, refers to col. 6, lines 11 to 15 of Rose, and states that scanned calibration image 215 and scanned test strip data 216 are stored in the same data structure 218. The cited portion of Rose is seen to discuss representing each

region of a color coordinate system is represented by at least one color value defined with in the color coordinate system.

Accordingly, the applied art, when taken alone or in any permissible combination, is not seen to describe updating a measurement store, which has an entry comprising a color value of a color patch used by a color reproduction device to create the target image, the entry is updated to include spatial information which relates to a position of the color patch, and is further updated to include a measurement of a color of the target image taken by a color measuring device based on the spatial information.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Further, Applicants submit that Claims 21 and 41 are believed to be in condition for allowance for at least the same reasons.

The other claims are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

The remaining applied art, i.e., Swan, Yamaguchi, Edge and Tanaka, applied against certain of the dependent claims has been reviewed and is not seen to remedy the deficiencies noted with respect to Falk and Rose.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa,

California, office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carole A. Quinn", is written over a horizontal line.

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